

**DOLCO**  
**PACKAGING**  
**TEKNIplex**

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Dockets Management Branch  
(HFA-305)  
Food & Drug Administration  
5630 Fishers Lane - Room 1061  
Rockville, MD 20852

September 13, 1999

REF: DOCKET NOS. 98N-1230, 96P-0418 & 97P-0197

Dear Sir or Madam:

Dolco Packaging is pleased to submit comments regarding the FDA proposed rule to require safe handling statements on labels of shell eggs that have not been treated to destroy salmonella microorganisms. These comments are made in addition to those made August 13, 1998 regarding the Advanced Notice of Proposed Rulemaking (ANPR) for this same issue (copy attached).

Dolco Packaging is the largest foam egg carton manufacturer in the U.S. with a domestic market share of approximately 45%. As such, we are directly affected by this proposed ruling. When developing the final rule, we urge you to consider the following issues:

- ▣ Dolco currently prints over 500 million cartons per year with some form of proper egg handling instructions on them. Samples are provided showing these instructions. Certainly, a point could be made that the message is being sent to the consumer. Please consider requiring the new label only if the carton does not already include such instructions.
- ▣ The proposed size of warning label is cumbersome and identifies particular groups of people. The proposed size of label is simply too large for our 6 Egg and 8 Egg products. While a warning of this size presents no particular concerns for foodservice packaging, which is much larger than an individual egg carton, it does create problems for us in terms of art design, NLEA space requirements and more. Please consider changing the label statement to read, "Do not eat raw or undercooked." This version could apply to egg cartons only. Please keep in mind that most, if not all, cases of S.E. outbreaks occur in the foodservice area, where eggs are mishandled.

96P-0418

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- ☐ Please allow flexibility as to where the warning label can appear on the egg carton. We would like the option of printing it on the inside or the outside of the carton.
- ☐ Finally, we ask that the implementation deadline of this proposed rule take effect 360 days after finalization, rather than 180 days. Given the complex distribution channels, the wide variety of markets involved, and seasonal inventory fluctuations, a 360 day implementation time frame is a reasonable request.

Thank you for your continued consideration in this matter. Please let us know if you have any questions or comments.

Best regards,

**DOLCO PACKAGING**



**Phil Laughlin**  
**Regional Sales Manager**

/bjm

Attachment

Presented by: **DOLCO  
PACKAGING**

Presented to: **Dolco**

## Nutrition Facts

Serving Size 1 egg (50g)  
Servings 12

### Amount Per Serving

**Calories** 70 Calories from Fat 40

### % Daily Value

**Total Fat** 4.5g **7%**

Sat. Fat 1.5g **8%**

**Cholest.** 215mg **71%**

**Sodium** 65mg **3%**

**Total Carb.** Less than 1g **0%**

**Protein** 6g **10%**

Vitamin A 6% • Vitamin C 0%

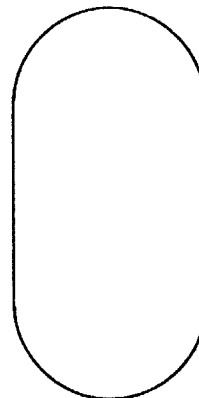
Calcium 2% • Iron 4%

Not a significant source of Dietary  
Fiber or Sugars.

\*Percent Daily Values are based on a 2,000  
calorie diet. Your daily values may be higher or  
lower depending on your calorie needs.

		Calories	2,000	2,500
Total Fat	Less than	65g	80g	
Sat. Fat	Less than	20g	25g	
Cholesterol	Less than	300mg	300mg	
Sodium	Less than	2,400mg	2,400mg	
Total: Carbohydrate		300g	375g	
Dietary Fiber		25g	30g	
Protein		50g	65g	

LARGE EGG



The American Egg Board  
is a proud sponsor of the  
partnership for food safety education.

12 Egg Inlid

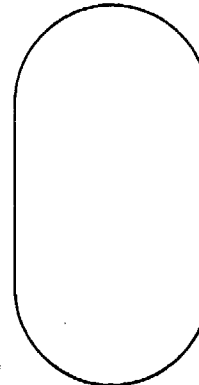
Presented by: **DOLCO  
PACKAGING**

Presented to: **Dolco**

Nutrition Facts	
Serving Size 1 egg (50g)	
Servings 12	
Amount Per Serving	
Calories 70 Calories from Fat 40	
% Daily Value	
Total Fat 4.5g	7%
Sat. Fat 1.5g	8%
Cholesterol 215mg	71%
Sodium 65mg	3%
Total Carb. 1g	0%
Protein 6g	10%
Vitamin A 6% • Vitamin C 0%	
Calcium 2% • Iron 4%	
Thiamine 2% • Riboflavin 15%	
Vitamin B-6 4% • Folate 6%	

Vitamin B-12 8% • Phosphorus 8%			
Zinc 4%			
Not a significant source of Dietary Fiber or Sugars.			
*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.			
	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat. Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g
Protein		50g	65g

LARGE EGG



## Safe Handling Instructions

Some food products may contain bacteria that could cause illness if the product has been cross-contaminated, mishandled or cooked improperly. For your protection, follow these safe handling instructions.



Keep eggs refrigerated after purchase.  
Discard broken or cracked eggs.  
Use or cook eggs immediately after cracking.



Wash working surfaces, utensils and hands before and after handling eggs. Do not touch yolks or whites with your hands.



Cook thoroughly until whites are firmly set and yolks thicken.  
Avoid eating raw eggs and foods containing raw eggs.



Keep hot foods hot (above 140°F) and cold foods cold (below 40°F).

12 Egg Inlid



Docket Clerk  
Food Safety and Inspection Service  
U.S. Department of Agriculture  
Room 102 Cotton Annex Bldg.  
300 12th Street S.W.  
Washington DC 20250-3700

August 13, 1998

RE: DOCKET NO. 96-035A

Dear Sir or Madam:

Dolco Packaging is pleased to submit comments regarding the U.S. Department of Agriculture Food Safety and Inspection Service's (FSIS) and the U.S. Food and Drug Administration's (FDA) Advance Notice of Proposed Rulemaking (ANPR) which appeared in the May 19, 1998 issue of the Federal Register. These comments concern the FDA's announcement, contained within that ANPR, of its intent to issue a proposed rulemaking requiring safe handling labels on egg packaging. As the largest manufacturer of polystyrene foam egg cartons, Dolco Packaging is especially concerned about this upcoming rulemaking.

On July 30, 1998, Dolco Packaging and other egg carton manufacturers and the Foodservice & Packaging Institute met with staff of the FDA regarding this labeling initiative. We fully support FDA's effort to ensure safe food in the market place, and will comply with this regulation when implemented. However, as FDA develops the label regulation, please consider the following information concerning its potential impact on Dolco and other egg carton manufacturers:

- ▶ Existing federal regulations already require a minimum of information for egg cartons. Egg size and grade, as well as certain legal line information, are required on every carton produced.
- ▶ Many states also require certain information on cartons. It is our understanding, from our July 30 meeting, that this new federal regulation would add to the requirements that states are currently mandating. In certain states, cartons would conceivably have their own particular message and, in addition, this new federal message. Below is a brief list of some state requirements affecting our cartons:

TEXAS - All legal lines of cartons sold in the state of Texas must be printed with at least 10-point type. In addition, egg processors and producers have their own Texas licensee numbers, company name and full address, which must appear on the cartons.

MARYLAND - Maryland requires that the print for size and grade to be at least 3/8" in height, occupying a considerable amount of printable space.

ARKANSAS, LOUISIANA AND KENTUCKY - These states require the phrase, "Keep Refrigerated At Or Below 45° Fahrenheit."

ARIZONA AND CALIFORNIA - These states require the words "Sell By" on the top of the cartons accompanied by an arrow pointing to a date printed on the carton by the egg processor.

NEW YORK - This is the only state that requires the use of net weights pertaining to egg size on every carton sold.

In addition, many states require egg processors to have on their cartons a particular state code designated specifically for their production locations. Also, several states have marketing logos for their own merchandising purposes. States such as California, Florida, Pennsylvania and Louisiana use these in large state-wide advertising programs, and we support these efforts as well.

These examples are but a few. The bigger concern is that national brand designs have to be developed to accommodate many, if not **all** of these criteria!

- ▶ For Dolco Packaging to revamp **all** of our existing egg carton artwork, we estimate a one-time cost of up to \$2 million in new printing plates.
- ▶ Because Dolco's printable surface on our egg cartons exceeds 40 square inches, we are mandated by the Nutritional Labeling and Education Act (NLEA) to use the full format label. This requirement consumes 50% of our printing space inside the lid of the carton, prior to any additional regulations put forth by FDA. This space was once used entirely for promotional and informational purposes by our wide-ranging customer base. This is a critical issue; a company's printing capability is a selling feature and a way that our industry uses to differentiate ourselves from our competitors. Further restriction of our printable square inches further limits our opportunities for creatively merchandising our products.

- ▶ While not a written mandate, almost every carton now has a Universal Product Code (UPC), which occupies printable space on the top or on the side of the carton.
- ▶ We have several customers that utilize the carton's entire printable space to maximize their message to the consumer. Further regulation would limit the amount of space they can use to sell their own product.
- ▶ Rather than make our internal capabilities public, I feel it is important to point out some facts regarding the printing capabilities within the foam egg carton industry. It was suggested in the July 30 meeting that we could simply print the new safe food handling information sidelid on all of our cartons. I feel compelled to point out the following:
  1. The foam egg packaging industry represents 50% or more of the total market share. Dolco Packaging, Foam Packaging, Inc., Elm, LinPac, Creative Industries and CKF make up the suppliers of foam cartons in the U.S. All of us have varying print capabilities and various carton designs that limit printable space. Our molded pulp competitors face similar restrictions with their various window designs and associated limitations. In fact, some competitors and some products (for example, 6-Egg, 8-Egg, etc.) simply do not have the capability of sidelid print at all. The capital required for all of us to purchase equipment needed to accomplish sidelid printing would run several million dollars. Additionally, the process costs of slowing the printers and dealing with additional scrap would be significant, and these costs cannot be passed on to our customers.
  2. Dolco Packaging's market share will result in bearing the brunt of these costs. On the other hand, the niche suppliers, too, will have a difficult time absorbing these additional costs without some consideration as to flexibility and timing.
  3. Regarding less than one dozen cartons, there is very limited additional space on our 6-Egg, 8-Egg and Split-6 cartons. Please consider some concessions for these sizes.

In most cases, the egg cartons currently produced have limited free space for commercial use. It is important to note the millions of our cartons being produced today are made with voluntary inlid printing that specifically promote "Safe Handling Tips" for proper egg handling. In addition, our company has developed the "Fight Bac" inlid in conjunction with

the American Egg Board's educational program. Some in our industry would say that additional regulatory labeling would contribute to information overload to consumers. However, Dolco remains supportive of FDA's efforts in their "farm-to-table" approach to providing safe food to the consuming public.

We urge you to consider the issues brought forth in these comments. We ask that the regulation you are currently considering allows for maximum flexibility by egg carton manufacturers. Please allow us to put the message, whatever it may be, on the inside or the outside of the container in a legible format. Please allow us the flexibility to accomplish your goal while operating in a reasonable manner. Once the regulation has been finalized, we would ask that you would allow us one year to convert all of our production lines accordingly as many of our customers hold several months' worth of inventory for purchasing purposes. In addition, we have little or no control regarding the distribution channels of our product once it leaves our facilities.

Thank you for your consideration in this matter. Please feel free to contact us should you have any questions or need clarification on any points.

Best regards,

DOLCO PACKAGING

Phil Laughlin  
Regional Sales Manager

/bjm



**DOLCO**  
**PACKAGING**

**TEKNI***plus*

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Decatur, IN 46733-0469

**To:**

DOCKETS MANAGEMENT BRANCH  
(HFA-305)  
FOOD & DRUG ADMINISTRATION  
5630 FISHERS LANE - RM 1061  
ROCKVILLE, MD 20852

RETURN POSTAGE GUARANTEED

HEALTH AND HUMAN SERVICES  
FOOD AND DRUG ADMINISTRATION  
**CROSS REFERENCE SHEET**

Docket Number/Item Code: 98N-1230/C643

See Docket Number/Item Code: 97P-0197/C644  
96P-0418/C643